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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: MAJIMA et al.
Application No.: 10/519,541
I. A. Filing Date: June 26, 2003
Filed: December 28, 2004
For: ...CHITOSAN/ACIDIC BIOPOLYMER HYBRID...

Art Unit: 1661
Examiner: S. K. Singh
Washington, D.C.
Atty.'s Docket: MAJIMA=1
Confirmation No.: 2562
Date: July 12, 2006

Customer Service Window, **Mail Stop Amendment**
Honorable Commissioner for Patents
U.S. Patent and Trademark Office
Randolph Building, 401 Dulany Street
Alexandria, Virginia 22314

Sir:

Transmitted herewith is a **REPLY TO RESTRICTION REQUIREMENT** in the above-identified application.☒ Small Entity Status: Applicant(s) claim small entity status. See 37 C.F.R. §1.27.☒ No additional fee is required.☐ The fee has been calculated as shown below:

(Col. 1)		(Col. 2)		(Col. 3)	SMALL ENTITY		OR	OTHER THAN SMALL ENTITY	
	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA EQUALS	RATE	ADDITIONAL FEE		RATE	ADDITIONAL FEE
TOTAL	*	MINUS	** 20	0	x 25	\$		x 50	\$
INDEP.	*	MINUS	*** 3	0	x 100	\$		x 200	\$
FIRST PRESENTATION OF MULTIPLE DEP. CLAIM					+ 180	\$		+ 360	\$
					ADDITIONAL FEE TOTAL	\$	OR	TOTAL	\$

* If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.

** If the "Highest Number Previously Paid for" IN THIS SPACE is less than 20, write "20" in this space.

*** If the "Highest Number Previously Paid for" IN THIS SPACE is less than 3, write "3" in this space.

The "Highest Number Previously Paid For" (total or independent) is the highest number found from the equivalent box in Col. 1 of a prior amendment of the number of claims originally filed.

☒ Conditional Petition for Extension of Time

If any extension of time for a response is required, applicant requests that this be considered a petition therefor.

☐ It is hereby petitioned for an extension of time in accordance with 37 CFR 1.136(a). The appropriate fee required by 37 CFR 1.17 is calculated as shown below:

Small Entity

Response Filed Within

☐ First - \$ 60.00
☐ Second - \$ 225.00
☐ Third - \$ 510.00
☐ Fourth - \$ 795.00

Month After Time Period Set

Other Than Small Entity

Response Filed Within

☐ First - \$ 120.00
☐ Second - \$ 450.00
☐ Third - \$ 1020.00
☐ Fourth - \$ 1590.00

Month After Time Period Set

☐ Less fees (\$) already paid for month(s) extension of time on .☐ Please charge my Deposit Account No. 02-4035 in the amount of \$.☐ Credit Card Payment Form, PTO-2038, is attached, authorizing payment in the amount of \$.☐ A check in the amount of \$ is attached (check no.).

☒ The Commissioner is hereby authorized and requested to charge any additional fees which may be required in connection with this application or credit any overpayment to Deposit Account No. 02-4035. This authorization and request is not limited to payment of all fees associated with this communication, including any Extension of Time fee, not covered by check or specific authorization, but is also intended to include all fees for the presentation of extra claims under 37 CFR §1.16 and all patent processing fees under 37 CFR §1.17 throughout the prosecution of the case. This blanket authorization does not include patent issue fees under 37 CFR §1.18.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

ATTY.'S DOCKET: MAJIMA=1

In re Application of:)	Confirmation No.: 2562
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HYBRID...)	

REPLY TO RESTRICTION REQUIRMENT

Customer Service Window, Mail Stop Amendment
Honorable Commissioner for Patents
U.S. Patent and Trademark Office
Randolph Building
401 Dulany Street
Alexandria, Virginia 22314

Sir:

Applicants are in receipt of the Office Action mailed June 12, 2006, entirely in the nature of a restriction requirement based on alleged lack of unity of invention under PCT Rules 13.1 and 13.2.

Prior to responding to the restriction requirement, applicants respectfully request the PTO to acknowledge receipt of applicants' papers filed under Section 119.

Restriction has been required among what the PTO deems to be four (4) patentably distinct inventions. As an election must be made even though the requirement is traversed, applicants hereby respectfully and provisionally elect Group I, presently claims 1, 2 and 5-8, with traverse and without prejudice.

Appln. No.
Amd. dated
Reply to Office Action of

The PTO correctly notes that normal restriction practice does not apply, but instead unity if invention practice under PCT Rules 13.1 and 13.2 controls. The PTO further takes the position that unity of invention is destroyed by the Amaike publication, but applicants respectfully disagree. Thus, claim 1 does not simply call for a chitosan/acidic bipolymer hybrid fiber, but other subject matter as well. Applicants do not see that Amaike or any other prior art discloses or makes obvious the subject matter of claim 1. Such subject matter of claim 1 constitutes a single general inventive concept throughout all four (4) of the groups providing the same or corresponding special technical fetures.

Thus, there is no lack of unity of invention. Applicants' claims meet the requirements of PCT Rules 13.1 and 13.2, whereby the restriction requirement should be withdrawn. Such is respectfully requested.

Applicants respectfully await the results of a first examination on the merits.

Respectfully submitted,

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Attorneys for Applicant

By



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